

Application No. 10/028,882
Amdt. dated August 1, 2003
Reply to Office Action of May 9, 2003

REMARKS/ARGUMENTS

Claims 6-11 remain in this application. Claims 1-5 have been canceled.

In the Office Action it was stated that claim 7 recites the limitation "the combination of a plurality of nodes". There is insufficient antecedent basis for this limitation in the claim. Claims 7-11 were rejected. Claim 7 has been amended to provide proper antecedent basis for the above rejected limitation. In view of the above remarks and amendment to claim 7, it is respectfully submitted that this rejection has been satisfied and should be withdrawn.

Claims 6-9 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-3 of Patent No. 6,370,261 for the reasons stated in the Office Action. In response to the double patenting rejection, a Terminal Disclaimer and Government fee of \$110.00 by Deposit Account Charge are being filed and paid respectively with this response disclaiming the portion of the patent term of any patent issuing on the subject application beyond the term of U.S. Patent No. 6,370,261. In view of the above remarks and the attached Terminal Disclaimer, it is respectfully submitted that this rejection has been satisfied and should be withdrawn.

The Examiner has acknowledged that claims 10 and 11 are directed to allowable subject matter if rewritten to overcome the rejections under 35 USC 112, second paragraph, in the Office Action and to include all of the limitations of the base claim

and any intervening claims. As claim 7 has been amended to overcome the rejections under 35 USC 112, second paragraph and in view of the terminal disclaimer being filed with this amendment, it is respectfully submitted that claims 10 and 11 are allowable.

In the event there are further issues remaining the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Since the present claims set forth the present invention patentably and distinctly, and are not taught by the cited art either taken alone or in combination, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.

Respectfully submitted,

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by: _____
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CERTIFICATE OF MAILING UNDER 37 CFR SECTION 1.8(a)

I hereby certify that the accompanying Amendment and Terminal Disclaimer with Deposit Account Charge are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 1, 2003.

Dated: August 1, 2003

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